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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/580,126	05/30/2000	Samuel Louis Iserson	03046-P0003A	1380

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EXAMINER

OUELLETTE, JONATHAN P

ART UNIT	PAPER NUMBER
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3629

DATE MAILED: 08/23/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/580,126

Applicant(s)

ISERSON, SAMUEL LOUIS

Examiner

Jonathan Ouellette

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 May 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 101

1. Claim 4 is rejected under 35 U.S.C. 101 because the claimed invention lacks patentable utility. Since it would be technologically impossible for a camera to simultaneously capture at least one interviewee's and at least a second interviewee's answer video data, one skilled in the art clearly would not know how to use the claimed invention.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:
 - (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.
3. Claims 1-3 and 5-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Greenberg et al. (US 5,170,362) in view of Fatseas et al. (US 5,671,409), and further in view of Vien (CA 2231914A).
4. As per independent Claims 1 and 11, Greenberg discloses a system for interviewing, comprising: a computer; a storage device accessible by said computer; interviewer's question data stored on storage device; remote electronic access to said computer by at least one interviewee to review said interviewer's question data; software executing on said computer for forwarding said interviewer's question data to said at least one interviewee; a system for

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capturing at least one interviewee's answer data to said interviewer's question data in real time for storage on said storage device together with corresponding interviewer's question data; and said software executing on said computer for forwarding said at least one interviewee's answer data to an interviewer (Abstract, C4 L4-68, C5 L1-34, C6 L16-25, C7 L39-43, C8 L1-52, Fig.1-2).

5. However, Greenberg fails to disclose a system wherein the said data is video data collected from the interviewer and interviewee.
6. Fatseas teaches a method for a job seeker to access stored video images pertaining to direct questions about a job (Abstract, C7 L49-67, C8 L1-27, Fig.3c).
7. However both Greenberg and Fatseas fail to disclose a system wherein said data includes a video response to job interview questions.
8. Vien teaches a method for an interviewee to record video responses to job interview questions (Abstract).
9. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have included wherein the said data is video data collected from the interviewer and interviewee, as disclosed by Vien in the system disclosed by Fatseas, in the system disclosed by Greenberg, for the advantage of providing a system for interviewing, including video taped questions from the interviewer and video taped responses from the interviewee.
10. As per Claims 2 and 12, Greenberg, Fatseas, and Vien disclose wherein said software adjusts a time period during which said camera captures said at least one interviewee's answer video data (Greenberg: Abstract, C8 L1-52).

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11. As per Claims 3 and 13, Greenberg, Fatseas, and Vien disclose wherein said software executing on said computer matches said at least one interviewee's answer video data with said interviewer question video data (Greenberg: Abstract, C4 L33-56, C8 L1-52).
12. As per Claim 5, Greenberg, Fatseas, and Vien disclose wherein said software executing on said computer simultaneously forwards at least one interviewee's and at least a second interviewee's answer video data to said interviewer (Greenberg: Abstract, C4 L33-56, C6 L35-65).
13. As per Claim 6, Greenberg, Fatseas, and Vien fail to disclose wherein said software executing on said computer allows said interviewer to select among said at least one interviewee and at least a second interviewee.
14. However Greenberg does teach the ability to notify the subject as to their passing or failing an evaluation (C5 L6-34).
15. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have included wherein said software executing on said computer allows said interviewer to select among said at least one interviewee and at least a second interviewee, as disclosed by Vien in the system disclosed by Fatseas, in the system disclosed by Greenberg, for the advantage of providing a system for interviewing, including the ability to notify the interviewee of their status.
16. As per Claims 7 and 14, Greenberg, Fatseas, and Vien disclose wherein said software executing on said computer sends said at least one interviewee's answer video data to a third party (Greenberg: C4 L4-32, C6 L35-65).

17. As per Claims 8 and 15, Greenberg, Fatseas, and Vien disclose wherein said system forwards said at least one interviewee's answer video data to said interviewer at a time different from when said at least one interviewee's answer video data was stored on said storage device (Greenberg: Abstract, C5 L35-41).
18. As per Claim 9, Greenberg, Fatseas, and Vien disclose wherein said software allows said interviewer to copy said at least one interviewee's answer video data onto a storage medium (Vien: Abstract).
19. As per Claim 10, Greenberg, Fatseas, and Vien disclose wherein said storage medium is located remotely from said storage device (Greenberg: C3 L65-68, C4 L1-24, Fig.1).

Conclusion

20. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.
21. The following patents are cited to further show the state of the art with respect to video communication in general:
- U.S. Pat. No. 6,311,164 to Ogden
U.S. Pat. No. 6,336,813 to Siefert
22. The following non-patent literature is cited to further show the state of the art with respect to video interviews in general:
- "CareerShop.com and The Media Stream Offer 'Perfect' First Impressions to Job Seekers Via Streaming Video Interviews; Job Seekers Sell Themselves Through The Use of Videotaped Interviews Posted on CareerShop.com," PR Newswire, Sept. 27, 1999.

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23. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jonathan Ouellette whose telephone number is (703) 605-0662. The examiner can normally be reached on Monday through Thursday, 8am - 5:00pm.
24. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss can be reached on (703) 308-2702. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-7687 for regular communications and (703) 305-3597 for After Final communications.
25. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 306-5484.

jo

August 14, 2002

**JOHN G. WEISS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600**